



ACADEMY MODEL UNITED NATIONS  
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*Topic Bulletin*



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Welcome Delegates,

It's an honor for me to welcome you all to the Academy Model United Nations conference, specifically to the Social, Humanitarian & Cultural Committee. My name is Seoyeon (Lucy) Choi and I will be your head chair for this conference. Model UN quickly became one of my passions and the first time I ever got to experience ModelUN was through AMUN. Through Model UN I developed an interest in international affairs, negotiating, public speaking, and debating and I hope that you guys will be able to experience the full realm of Model UN through this conference.

Outside of Model UN, I am the vice president of Spanish National Honor Society, co-captain of the Bergen County Debate League, and the vice president of class council. I'm an avid fan of Harry Potter (technically a Ravenclaw but I took the test like three times so oh well) and I usually spend my time binge watching movies on Netflix.

One of my favorite things about Model UN is meeting new people and I hope that all of you will not only be able to passionately discuss about crucial topics prevalent in our everyday life, but also become closer with each other throughout the conference. Please feel free to email me with any questions or concerns no matter how trivial you might think they are!

Sincerely,

Seoyeon (Lucy) Choi, SOCHUM Chair

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## INTRODUCTION

The Third Committee of the General Assembly, or the Social, Humanitarian, and Cultural Committee (SOCHUM) addresses many global social and humanitarian issues. Within this broad range of affairs, SOCHUM addresses the advancement of women, elimination of racism and discrimination, treatment of refugees, protection of children, and especially the protection of human rights. A significant effort by the SOCHUM is towards human rights as shown by working with experts and rapporteurs on special procedures reported by the United Nations Human Rights Council. SOCHUM also improves society by focusing on questions about youth, people with disability, criminal justice, and drugs. This committee is a platform where countries have equal status and can discuss international matters. Even though the resolutions that SOCHUM passes is non-binding, they often motivate countries to change stances and undertake pertinent issues. The reach of SOCHUM extends far as the Third Committee works closely with other United Nations organizations including the other General Assemblies, the Economic and Social Council, the United Nations Human Rights Council, and the United Nations Development Programme. Since 1948, SOCHUM has aimed to create solutions relating to social, humanitarian, and cultural issues to better the global community through international cooperation and the implementation of equal freedom and rights for all.

## TOPIC A: MIGRANTS' RIGHTS AND XENOPHOBIA

### Overview

A broad definition of migrant is a person who made “the decision to migrate is taken freely...for reasons of ‘personal convenience’ and without intervention of an external compelling factor. Migrants are not refugees as migrants are not directly fleeing war or persecution.

Whereas refugees find it unsafe to return home, migrants find no obstacle to return. The broad definition of migrants result in the difficulty to differentiate migrants who leave their countries because of political persecution, economic problems, and other conflicts. Nevertheless, even though migrants are not fleeing war or persecution like refugees, they still face challenges in ensuring their human rights. Migrants are highly vulnerable to discrimination, exploitation, and marginalization especially due to socioeconomic status, language and culture barriers, and especially xenophobia.

## Topic History

One of the most infamous, well-reported incidences of xenophobia is anti-Semitism during and after World War II (1939-1945). This resulted in the mass murder of six million European Jews by the Nazi, which promoted racism against Jews through enforcing a discriminatory anti-Jewish legislation. Xenophobia resulted in Germany due to the innate characteristics of the culture and the lack of mechanisms to ensure the respect and equality among different people. After World War II, European countries increased in immigrants as workers, asylum seekers, and migrants. Even after the mass murder of the Jews, these different non-citizens were victims of violent actions. During the late 1900s and early 2000s, Islamophobia grew where migrant Muslim communities regardless of citizenship.

The United States has a very extensive migrant history. In the first two centuries since its birth, migrants consisted of Africans, North Europeans, and Caribbeans seeking political asylum or religious freedom. In the mid-1800s, southern and eastern Europeans migrated to the United States. They faced xenophobia, including the Irish. An anti-Irish attitude permeated to create discriminations in houses, job employment, and government.

South Africa also has a very tumultuous history with migrants as it results in cultural, social, and political change. South Africa is multinational, multilingual, and multiethnic because migrants seek better safety, security, and economic opportunities. From 1890 to 1920, a mine contract-labor system was implemented. This contributed to South Africa receiving migrants for decades. In the 1980s, 350,000 Mozambicans fled to South Africa from a civil war, and some returned. Until 1991, Africans coming from Lesotho, Mozambique, and

Malawi were considered temporary contract migrants from the South African migrant labor system. After 1994, racism and development caused uncontrolled xenophobia against these migrants. Xenophobia has been present since the early 1990s and has been escalating until May 2008. Sixty-two foreigners and South Africans were killed from xenophobic attacks. White Europeans and Indians were largely unaffected. Xenophobia is still experienced in the north and south of the Southern African Development Community.

As seen from many previous examples, a common occurrence in these xenophobic acts is that country itself is learning to address its newly founded diversity. It is important to address how these countries should approach a divided population.

## Current Situation

One in every 50 people, or more than 150 million people, live outside their native country as migrants or refugees. They are susceptible to loss of human rights and xenophobia. This phenomenon is shown through reports of discrimination against migrants and other non-nationals. Migrants are denied access to education and health, and are prejudiced by discriminatory laws and practices. Human rights mechanisms such as the Committee on Migrant workers have stated that countries have the sovereign right to determine the conditions of stay of migrants, but they also have the responsibility to respect, protect, and fulfill human rights of everyone in their territory. Governments and the community should be deeply concerned about disadvantaged and marginalized groups within migrants. They should allow migrants to take part in strategies to decrease xenophobia, racism, and discrimination.

Currently, one of the largest migrant right abuses is from the European migrant crisis. In 2015, about 1.3 million sought asylum in Europe from many Middle Eastern countries. From these unrest countries, many migrants travel to Europe, or Germany, most preferably. To reach Germany, they must cross many Central European countries which have started to have border restrictions to prevent migrants from entering their country. For European countries, these border restrictions are necessary as they do not have the resources to provide for the massive influx of migrants. European Union countries are still determining a plan to share this burden. This border strengthening can increase human right violations to discourage migrants

from entering the country. Migrants could suffer through collective expulsions, arbitrary detention, ill treatment, strip-searches for money to confiscate money that would be used for paying for detention, and more abuses. If migrants enter a European country, they are at a disadvantage since many Europeans are wary of foreigners. The government of Hungary has spent 16 million Euros to a anti-migrant campaign that spreads false facts about refugees and migrants. This xenophobic action is just one of many in Europe.

Not only do migrants face human rights abuses in the country where they arrived, but also in transit to that country. The journey from Central America through Mexico is riddled with kidnapping, human trafficking, sexual assault, and murder. While the Mexican government has enforced a restrictive migration policy, since July 2014, the government created the Southern Border Program to increase its migration enforcement and to safeguard the human rights of migrants who travel through Mexico. This increased enforcement results in an increase of human rights violation. From 2010 to 2016, Mexico's National Human Rights Commission has received 881 reports of human rights violations against migrant children. However, 68% of migrants were unaware of their right to seek protection. There should be safe legal channels for travel. Migrants should be protected when traveling to the new country as well as within the new country.

It is important to realize that migrant rights is a multi-faceted issue and combatting xenophobia is one of many approaches to ensure migrant rights. Migrants risk their lives to flee poverty, violence, environmental disaster without a refugee status. They should be granted rights and freedom from discrimination. International migration is increasing and countries should work together to accept this new-found diversity and promote and protect human rights of migrants.

## Possible Solutions

When considering migrants' rights and xenophobia, it is crucial to note that each different country has a different look on migrants' rights and the concept of xenophobia. Delegates must tackle the challenge of determining how to come to an international consensus on the legislations, policies, and programs regarding migrants' rights and combatting

xenophobia. Although most of the international community recognizes the severity of the problem of migrants' rights and xenophobia, every nation is in a different situation in regards to the tolerance level, forms of racism, and the level of poverty. Solutions must not only aim to eliminate migration related discrimination that includes the deprivation of liberty of migrants, but also raise awareness and mobilize support for anti-discrimination measures. It is also crucial to note that solutions must ensure that the human rights of asylum seekers and beneficiaries of international protection are guaranteed and determine how civil society should strengthen mechanisms to monitor and record xenophobic violence.

## Bloc Positions

The European Union's migrant crisis has exacerbated over the recent year with large number of refugees undergoing harsh treatment and violation of their rights in the process. With high levels of unemployment in the European Union, anti-immigration and anti-refugee parties have improved their position in polls and elections and the anti-immigration perspective has become startlingly predominant in countries including Austria, Denmark, Italy, Norway, and Slovakia. Although many member countries of the European Union strongly believe that the migration crisis must be handled immediately, the fact that many immigrants are poor, working class stirs up fear for many European nationalists as they see them as a threat to their historic culture and a violation of their rights of a land.

South Africa has recently been facing a wave of xenophobic violence as the political and social reforms to help victims of xenophobic violence to access justice are proving hard to be implemented. Refugees and migrants from East Asia and Europe are subject to murders, targeted rapes, and constant harassment and as perpetrators of violence frequently go unpunished, it sends a message that refugees and migrants can be attacked with impunity. Xenophobic violence is a major concern for countries in Africa yet there is little to no strong legislations in terms of protecting the rights of migrants and refugees or supporting and encouraging national human rights institutions.

The United States has been a key leader in challenging the global problem of xenophobic violence; yet, with the introduction of the revised immigration reform policies, immigration

has fueled the nativists concerns with border security and the undocumented overwhelming governmental services. The immigration enforcement measures have included increased usage of racial profiling and has increased the number of xenophobic crimes. It is crucial for the United States to be a strong advocate for migrants' rights and prevent inhumane and degrading life conditions for migrants and guarantee their rights to freedom as granted by their legislation.

## Questions to Consider

1. To what extent should migrants' rights to freedom and access to information be granted?
2. What are possible ways to reduce casualties from xenophobic crimes?
3. Is there a way to come to a full, unilateral consensus on migrants' rights while taking into account international law, human rights, and national sovereignty?
4. If a country is unwilling to create new legislations or edit existing legislation to accommodate migrants, what is the best possible solution?

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## TOPIC B: EXTRAJUDICIAL KILLINGS

### Overview

An extrajudicial killing is an execution that is performed by the government or government agencies, however it is not authorized by any court. These extirpations are considered unjust due to how it impedes upon the legal process. Extrajudicial killings, also known as targeted killings, are often justified by governments as a means of counterterrorism. The killing of Osama bin Laden by the American Special Forces in 2011 is an example of an extrajudicial killing as bin Laden was not put on trial before his death in Pakistan, and it was later justified by President Obama as bringing “justice to a man who had killed three thousand citizens.” Although extrajudicial killings often emerge in times of distress and often have a short window of operation, they still cause a large moral dilemma, which is why they have been gaining increasing media recognition.

### Topic History

The use of targeted killings does offer certain benefits to the nation participating in it as it can be a preemptive step to avoid terrorist attacks. However, there is a large risk of civilian casualties as collateral damage as well. Additionally, the differences between being an actual threat compared to a suspected one are very few. Due process has the ability to prevent an innocent citizen from being wrongfully convicted of a crime.

The Commission on Human rights, in 1980, first began to take notice of unlawful killings and judicial processes, and thus created the Working Group on Enforced or Involuntary Disappearances. This eventually led to the establishment of a mandate for the purpose of investigating extrajudicial killings, capital punishment, and other executions. The mandate of the Special Rapporteur covers all countries, regardless of whether or not they have ratified relevant international Conventions. Additionally, the Special Rapporteur must submit annual reports to

the Human Rights Council and the General Assembly on the status of his or her findings.

Although cases of extrajudicial killings are being monitored by the Special Rapporteur, in many cases governments have the ability to disguise these targeted killings. Additionally, there is very little legal jurisdiction for the mandate; the Special Rapporteur is capable of bringing issues to light in the UN and making recommendations to governments under scrutiny.

The mandate presented by the Commission on Human rights however did cause a slight change in Nigeria. Due to the presence of Boko Haram and the political, social, and economic strife caused by the terrorist group, extrajudicial killings became a means of profiting for soldiers and other law enforcement. The corrupt Nigeria Police Force (NPF) will often demand payment for the release of a family member that was killed, and quite often the body will be bare, as anything of value on the person, such as clothes and shoes, will have been removed. Although the Nigerian government has acknowledged the dissolute actions of its police force, it has been unable to implement any laws, and often winds up turning a blind eye to the issues that it is presented with in terms of police corruption.

## Current Situation

In May 2010 the United Nations Human Rights Council published a special report on the legal and ethical issues, specifically those associated with extrajudicial counterterrorism operations. They came to the conclusion that under the rules of international humanitarian law (IHL), targeted killings are only lawful when the perpetrator is a combatant, or in the case of a civilian “directly participates in hostilities”. The killing must be critical militarily and the usage of force must be proportionate to any anticipated military advantage in contrast to the expected harm to civilians. This means that under IHL, a targeted extrajudicial murder in the sense of a premeditated killing by law enforcement officials cannot be permissible because, unlike in armed conflict, it is never allowed for killing to be the sole objective of an operation (such as a “shoot-to-kill” policy).

Another legal problem is that targeted killings conducted in the territory of other States raise sovereignty concerns since under Article 2 of the UN Charter, nations are forbidden from using force in the territory of another state. The cases where another country’s

sovereignty is not violated is of second State consents, or the targeting State has a right under international law to use force in self defense under Article 51 of the UN Charter because the second State is responsible for a military attack against the first State, or is unwilling or unable to stop armed attacks against the targeting State. Attacks by groups not directly associated with the government of a country also elicit controversy within international law as there is much argument about whether or not Article 51 applies, and how states should be involved in these circumstances.

Furthermore, extrajudicial killings as preemptive measures cause discourse as a restrictive view of Article 51 only permits this tactic to be applied after an attack has taken place, while various countries (eg. U.S.A. and Israel) insist its utilization against imminent threats as well. What qualifies something as an armed conflict, which allows more flexible implementation of Article 51 is also a matter of much controversy. Finally a lack of transparency and accountability in terms of extrajudicial killings has not been addressed in any country's legal framework. A severe lack of clarity also exists in determining whether or not a particular individual is a lawful target for an extrajudicial killing. The legality of neutralizing a terrorist hinges on the idea that they must be a "direct participant" of a lethal attack. Yet there is dispute over the kind of conduct that constitutes "direct participation" and moreover the extent to which "membership" in an organized armed group qualifies a person as directly participating in hostilities. Third, there is controversy over how long direct participation lasts. In 2009, the International Committee of the Red Cross (ICRC) stated that in non-international armed conflict, civilians who participate directly in hostilities and have a "continuous combat function" may be targeted at all times and in all places but in general direct participation for civilians is limited to each single act and its duration. Yet these criteria generally exclude conduct that is clearly indirect, including general support for the war effort through preparation or capacity building.

Additionally, due to the increased attention being brought to illicit and dangerous drugs, many countries in Southeast Asia and the Middle East have been using extrajudicial killings as a form of punishment against drug trade suspects. Most recently, the Philippines has been put

under scrutiny by many western nations on the suspected killings, however it is unclear on the extent to which the Philippine government was involved.

## Possible Solutions

In order to come to a comprehensive solution it is necessary to acknowledge each country's individual stance on extrajudicial killings, as well as the underlying causes for such drastic measures that are being taken. It also must be taken into consideration certain sanctions that have been put in place, and how to come to a solution without violating the conditions set forth in these sanctions. This topic is quite controversial, as the definitions set forth by the UN Charter can be interpreted in several different ways by different countries. In order to fully address the situation of extrajudicial killings it is necessary to make clear definitions so that there can be no debate over legal jargon and what qualifies as an illicit killing. Additionally, there must be transparency and cooperation between law enforcement, governments, and the Special Rapporteur in order to fully assess the situation of extrajudicial killings.

## Bloc Positions

Many European countries have not been very active in exercising extrajudicial killings, however the EU has expressed concern for the actions being taken in the Philippines. These concerns have been brought before a UN body, shedding more light on the seriousness of the situation. The most concerning force participating in extrajudicial killings in Europe is Russia, where it is suspected that of 100 homosexual men detained, several were killed.

The presence of terrorist groups located throughout Africa, such as ISIS, Boko Haram, and Al-Shabaab to name a few, cause an increase in extrajudicial killings in these areas. Governments become capricious in an attempt to eradicate the groups, however they can cause more harm than good. In 2016 there were 177 reported extrajudicial killings in Africa; 122 were in Kenya, an alarming number for a single country. Nigeria has also been at the forefront of the media due to the strong presence of Boko Haram in the region. The nations of

Botswana, Burundi, Cameroon, Chad, Côte d'Ivoire, Gambia, Mauritania, Somalia, South Sudan, Sudan, Tanzania, Togo and Zambia also reported police violence and lethal attacks.

The United States has participated in extrajudicial killings previously, one of the more notable cases being that of Osama bin Laden, whose death took place in Pakistan. Besides the American war on terror, extrajudicial killings are not common in North America. Similar to the stance of the European Union, the North American states condemn the violence in the Philippines.

Colombia is the most notorious state in South America for its participation in extrajudicial killings between the years of 2002 and 2008, with 38 deaths being reported. The government claimed negligence, however, recently there have been documents discovered that claim otherwise. The police force claimed that those killed were insurgents when in actuality they were civilians. The drug trade is also a large cause of many of the extrajudicial killings in nations such as Costa Rica, Colombia, Perú, Brazil, and many other nations infamous for drug trade.

The Philippines is currently the most well known nation in the world for its extrajudicial killings. The UN Human Rights Council has taken note of the excessive killings and has questioned the Philippine government headed by President Duterte, however they have been obfuscating the cause for the elevated death toll. The rest of the world has been scrutinizing the nation for its obscurity on the issue.

## Questions to Consider

1. In what situations, if any, does your delegation consider targeted killings acceptable? Is preemptive self defense a justifiable reason?
2. What does your delegation consider to define a target for an extrajudicial killing?
3. How can the communication and transparency be improved? How can it be ensured that the killings are not for the purpose of eliminating political opponents? What will the UN's role be?

4. How can collateral damage be reduced in extrajudicial killings? How should nations be held accountable for civilian casualties?
5. What is the most effective way to address the underlying issues of terrorism and drug trade?

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